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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

MICHAEL SLATTERY, JR.,

Defendant.

COMPLAINT

(16 U.S.C. §§ 3372(d)(2),
3373(d)(3)(A) and 18 U.S.C. § 2)

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EASTERN DISTRICT OF NEW YORK, SS:

RYAN BESSEY, being duly sworn, deposes and says that he is a Special Agent of the United States Fish and Wildlife Service ("USFWS"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between September 23, 2010 and November 16, 2010, within the Eastern District of New York and elsewhere, the defendant MICHAEL SLATTERY, JR., along with others, did knowingly engage in an offense that involved the sale or purchase of, offer for sale and purchase of and commission of an act with intent to sell and purchase wildlife with a market value greater than \$350, that is, 4 Black Rhinoceros horns, and did knowingly make a false record, account and identification thereof, said wildlife having been, and having been intended to be, transported in interstate and foreign commerce. Specifically, in the course of the sale of four Black

Rhinoceros horns, the defendant made and used a false, forged and fictitious Endangered Species Bill of Sale in that he altered a copy of the Endangered Species Bill of Sale for one Black Rhinoceros horn mount (two horns), dated September 23, 2010, such that it became a Bill of Sale dated August 14, 2010, for two Black Rhinoceros horn mounts, with a Fish and Wildlife Service logo, that falsely represented the sale as having been approved by the Fish and Wildlife Service.¹

(Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3(A);
Title 18, United States Code, Section 2)

The source of your deponent's information and the grounds for his belief are as follows:²

Background

1. I am a Special Agent with USFWS, and I have been personally involved in the investigation of this matter. I have been a Special Agent with FWS for approximately three years. My duties include conducting criminal investigations of persons and businesses illegally commercializing protected wildlife. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records.

¹ The Endangered Species Bill of Sale is an unofficial document created by a Texas taxidermy auction house that is provided to customers who purchase endangered species products from the auction house. This document alerts buyers that the interstate sale of endangered species products is prohibited.

² Because the purpose of this Complaint and Affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my training and experience I know the following about rhinoceros and the federal laws protecting these animals.

3. Rhinoceros are characterized by their enormous size, leathery skin and horns. All species of rhinoceros are protected under United States and international law and all Black Rhinoceros species are endangered. The Black Rhinoceros has a distinctive hooked lip, making it possible to tell the difference between it and certain other species. The horns of the Black Rhinoceros also have a distinctive shape.

4. Rhinoceros horn is a highly valued and sought after commodity despite the fact that its international trade has been largely banned since 1976.³ The demand for rhinoceros horn, which is used by some cultures for ornamental carvings, good luck charms, and alleged medicinal purposes, has resulted in a thriving black market. The black market price for rhinoceros horn is as high as approximately \$25,000 per pound. Consequently, most species of rhinoceros are extinct or on the brink of extinction.

5. The Endangered Species Act (16 U.S.C. Section 1531 et seq.) (the "ESA") was enacted to provide a program for the conservation of endangered and threatened species. Under ESA, 16 U.S.C. Sections 1538(a)(1)(E) and 1540(b), it is a criminal violation for any person, subject to the jurisdiction of the United States, to knowingly deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in

³ The Convention on International Trade in Endangered Species ("CITES") is a treaty providing protection to fish, wildlife, and plants that may become imperiled due to the demands of international markets. CITES has been signed by over 170 countries around the world including the United States.

the course of commercial activity, any endangered species. In addition, under 16 U.S.C. Sections 1538(a)(1)(F) and 1540(b), it is a criminal violation for a person to offer to sell, or sell, an endangered species in interstate commerce.

6. The species Diceros bicornis, which is commonly known as the Black Rhinoceros, was added to the Endangered Species List on July 1, 1975. See 50 CFR Section 17.11 (setting forth species included on the Endangered Species List).

7. The Lacey Act, the nation's oldest wildlife protection statute, makes it unlawful for a person to, among other things, make or submit any false record, account or label for, or any false identification of, any wildlife which has been, or is intended to be, imported, exported, transported, sold, purchased or received from any foreign country or transported in interstate or foreign commerce. 16 U.S.C. § 3372(d)(1).

The Investigation

8. Upon information and belief, on or about September 20, 2010, the defendant, along with others, traveled from London, England, to Houston, Texas. The defendant deposited approximately \$5,423 in cash into his Bank of America savings account ending in 8076 (hereinafter the "savings account") at a Bank of America location in Austin, Texas. On or about September 21, 2010, the defendant received an international wire transfer in the amount of approximately \$8,000 from a foreign bank account into the savings account.

9. Upon information and belief, on or about September 21, 2010, the defendant, along with others, visited a taxidermy auction house in Austin, Texas, and

attempted to purchase the taxidermied head of a Black Rhinoceros bearing two horns (hereinafter the "Black Rhinoceros mount"). The defendant, along with others, was denied the purchase due to a lack of proof that they resided in the State of Texas.

10. On or about September 22, 2010, the defendant, along with others, hired a day laborer who lived in Texas (hereinafter "straw buyer") to purchase the Black Rhinoceros mount on their behalf in order to conceal the true identity of the defendant and the others as the actual purchasers.

11. On or about September 23, 2010, the defendant withdrew approximately \$13,000 from the savings account.

12. Upon information and belief, on or about September 23, 2010, the defendant, along with others, drove the straw buyer to the taxidermy auction house located in Austin, Texas. The defendant, along with others, provided the straw buyer with approximately \$18,000 in \$100 bills in the presence of an employee of the taxidermy auction house. The straw buyer then consummated the purchase of the Black Rhinoceros mount.

13. Upon information and belief, on or about September 23, 2010, the two Black Rhinoceros horns were removed from the Black Rhinoceros mount in front of the defendant and the other two individuals. The defendant, along with others, received the two Black Rhinoceros horns that had been removed from the mount along with the Endangered Species Bill of Sale, dated September 23, 2010, which was provided by the taxidermy auction house. The Endangered Species Bill of Sale stated that the straw buyer was the buyer of a Black Rhinoceros mount and stated as follows: "Seller expressly states that the

described taxidermy is an endangered species and that interstate or foreign sales, barter and trade are strictly prohibited . . . pursuant to [the Endangered Species Act]. Buyer has expressly stated that he/she is a current resident of Texas and has no intention of participating in any form of interstate commerce involving the described taxidermy.”

14. On or about November 13, 2010, the defendant, along with others, visited the home of a collector of Asian Art in Manhattan, New York, (hereinafter “Collector”) and sought to sell four Black Rhinoceros horns.⁴

15. On or about November 16, 2010, the defendant, along with others, visited the home of the Collector again and offered to sell the four Black Rhinoceros horns to a Chinese national (hereinafter “Buyer”), whom was introduced to the defendant by the Collector.

16. On or about November 16, 2010, the defendant, along with others, sold four Black rhinoceros horns to Buyer at an English tea house at Queens Crossing Center in Flushing, New York for \$50,000, and provided Buyer with a false and fictitious document titled Endangered Species Bill of Sale, dated August 14, 2010, for 2 Black Rhinoceros mounts (4 Black Rhinoceros horns). The Bill of Sale was actually an altered copy of the Endangered Species Bill of Sale, dated September 23, 2010, that was obtained in connection with the purchase of 1 Black Rhinoceros mount (2 Black Rhinoceros horns) on September 23, 2010 at the taxidermy auction house in Austin, Texas..

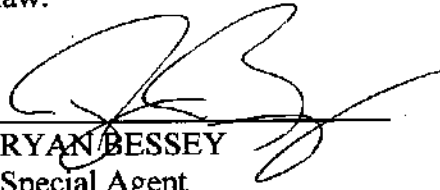
⁴ The government is not aware where the defendant obtained the two additional Black Rhinoceros horns.

17. Upon information and belief, on or about November 16, 2010, the defendant accepted and received a cashier's check from Buyer in the amount of \$12,500. The other individuals involved in the sale accepted cashier's checks from Buyer in the amounts of \$12,500 and \$25,000.

18. On or about November 16, 2010, after concluding the purchase and sale of Black Rhinoceros horns in interstate and foreign commerce, the defendant, along with others, departed the United States.

19. On or about September 14, 2013, the defendant was found at Newark Airport boarding Virgin Airlines flight VS18 to London, United Kingdom.

WHEREFORE, your deponent respectfully requests that the defendant MICHAEL SLATTERY, JR., be dealt with according to law.



RYAN BESSEY
Special Agent
USFWS

Sworn to before me this
14th day of September, 2013

HONORABLE ARLENE R. LINDSAY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK